

APLDIST, CONVERTED

**U.S. Bankruptcy Court
District of New Hampshire Live Database (Concord)
Bankruptcy Petition #: 21-10712-BAH**

Assigned to: Chief Judge Bruce A. Harwood
Chapter 13
Previous chapter 7
Original chapter 7
Voluntary
Asset

Date filed: 12/17/2021
Date converted: 03/09/2022
341 meeting: 01/25/2022
Deadline for filing claims: 05/18/2022
Deadline for filing claims (govt.): 09/06/2022

Debtor

Katherine R. Brady
27 Pinewood Drive
MERRIMACK, NH 03054
HILLSBOROUGH-NH
SSN / ITIN: xxx-xx-6991
fka Katherine Rose Mirra

represented by **Leonard G. Deming, II**
Deming Law Office
491 Amherst St., Suite 22
Nashua, NH 03063
(603) 882-2189
Fax : (603) 882-5707
Email: deminglaw@comcast.net

Trustee

Edmond J. Ford
Trustee
Ford, McDonald, McPartlin & Borden, P.A.
10 Pleasant St., Suite 400
Portsmouth, NH 03801
(603) 373-1737
TERMINATED: 03/09/2022

represented by **Edmond J. Ford**
Ford, McDonald, McPartlin & Borden,
P.A.
10 Pleasant Street
Suite 400
Portsmouth, NH 03801-4551
(603) 373-1737
Fax : (603) 242-1381
Email: eford@fordlaw.com
TERMINATED: 03/09/2022

Edmond J. Ford

Trustee
Ford, McDonald, McPartlin & Borden,
P.A.
10 Pleasant St., Suite 400
Portsmouth, NH 03801
(603) 373-1737
Fax : (603) 242-1381
Email: calendar@fordlaw.com
TERMINATED: 03/09/2022

Richard K. McPartlin

Ford, McDonald, McPartlin & Borden,
P.A.
10 Pleasant Street
Suite 400
Portsmouth, NH 03801
603-373-1600
Fax : 603-242-1381
Email: rmcpartlin@fordlaw.com
TERMINATED: 03/09/2022

Trustee**Lawrence P. Sumski**

Trustee

32 Daniel Webster Highway

Suite 15

Merrimack, NH 03054

603-626-8899

U.S. Trustee**Office of the U.S. Trustee**

James C. Cleveland Building

53 Pleasant Street

Suite 2300

Concord, NH 03301

(603) 333-2777

Filing Date	#		Docket Text
12/17/2021		<u>1</u>	Chapter 7 Voluntary Petition for Individuals . Fee Amount \$338 Filed by Katherine R. Brady (Deming, Leonard) (Entered: 12/17/2021)
12/17/2021		<u>2</u>	Certificate of Credit Counseling Filed by Debtor Katherine R. Brady (Deming, Leonard) (Entered: 12/17/2021)
12/17/2021		3	Receipt of Voluntary Petition – Chapter 7(<u>21-10712</u>) [misc,volp7] (338.00) filing fee. Receipt number A3956845, Fee amount \$ 338.00. (re: Doc# <u>1</u>). (U.S. Treasury) (Entered: 12/17/2021)
12/20/2021		<u>4</u>	Meeting of Creditors & Notice of Appointment of Interim Trustee Ford, Edmond J. with 341(a) meeting to be held on 1/25/2022 at 10:00 AM at Telephonic Meeting of Creditors. Financial Management Certification for Debtor due by 3/28/2022. Last day to oppose discharge or dischargeability is 3/28/2022. (AJTA) (Entered: 12/20/2021)
12/22/2021		<u>5</u>	BNC Certificate of Notice – Meeting of Creditors. (RE: related document(s) <u>4</u> Meeting of Creditors – Chapter 7). No. of Notices: 9. Notice Date 12/22/2021. (Admin.) (Entered: 12/23/2021)
01/02/2022		<u>6</u>	Notice of telephonic section 341 meeting of creditors call-in information. The meeting scheduled for 01/25/22 at 10:00 am will be telephonic. Dial into the meeting by calling (877) 783-7093. When prompted enter the participant code 2349629 followed by #. Attendees are instructed to call in at the listed time and not before and to disconnect the call after the meeting is concluded. Instructions for the debtor are attached. (Ford, Edmond) (Entered: 01/02/2022)
01/06/2022		<u>7</u>	Financial Management Course Certificate Filed by Debtor Katherine R. Brady (RE: related document(s) <u>4</u> Meeting of Creditors – Chapter 7) (Deming, Leonard) (Entered: 01/06/2022)
02/01/2022		<u>8</u>	Notice of Amendment to Schedule A/B,Schedule C,Summary of Assets and Liabilities, Filed by Debtor Katherine R. Brady (Attachments: # <u>1</u> Main Document Notice of Amendment of Schedules A and C # <u>2</u> Schedule Amended Schedules A and C # <u>3</u> Exhibit Amended Summary of Schedules and Liabilities) (Deming, Leonard) (Entered: 02/01/2022)
02/03/2022		9	341 Meeting of Creditors Held and Concluded. Debtor(s) sworn. Filed by Trustee Edmond J. Ford (RE: related document(s) <u>4</u> Meeting of Creditors

			– Chapter 7) (Ford, Edmond) (Entered: 02/03/2022)
02/03/2022		<u>10</u>	Trustee Certification of Services Rendered Under 11 U.S.C. Section 330(e). I rendered the following service in the case and am eligible for payment under 11 U.S.C. Section 330(e): Conducted or filed a document required by rule or statute related to a meeting of creditors required by 11 U.S.C. Section 341. I declare under penalty of perjury that the foregoing is true and correct. (Executed on 2/3/2022). Filed by Trustee Edmond J. Ford (RE: related document(s) 9 341 Meeting of Creditors Held filed by Trustee Edmond J. Ford) (Ford, Edmond) (Entered: 02/03/2022)
02/03/2022		<u>11</u>	Trustee's Notification of Asset Recovery and Request to Set Proof of Claim Deadline Filed by Trustee Edmond J. Ford Proof of Claims due by 05/4/2022, (Ford, Edmond) (Entered: 02/03/2022)
02/04/2022		<u>12</u>	Notice of Appearance and Request for Notice by Edmond J. Ford Filed by Trustee Edmond J. Ford (Ford, Edmond) (Entered: 02/04/2022)
02/04/2022		<u>13</u>	Application to Employ Richard K. McPartlin of Ford, McDonald, McPartlin & Borden, P.A. as Attorney Filed by Trustee Edmond J. Ford (Attachments: # <u>1</u> Affidavit Rule 2014 Statement of Richard K. McPartlin # <u>2</u> Proposed Order) (McPartlin, Richard) (Entered: 02/04/2022)
02/07/2022		<u>14</u>	Order Granting Application to Employ Ford, McDonald, McPartlin & Borden, P.A. (Related Doc # <u>13</u>) Signed on 2/7/2022. (So ordered by Judge Bruce A. Harwood) (amw) (Entered: 02/07/2022)
02/09/2022		<u>15</u>	Ex Parte Motion to Convert Case to Chapter 13 Filed by Debtor Katherine R. Brady (Attachments: # <u>1</u> Exhibit Notice of Voluntary Conversion to Chapter 13 # <u>2</u> Proposed Order) (Deming, Leonard) (Entered: 02/09/2022)
02/09/2022		<u>16</u>	BNC Certificate of Notice. (RE: related document(s) <u>11</u> Trustee's Notice of Assets and Request for Claims Bar Date filed by Trustee Edmond J. Ford). No. of Notices: 9. Notice Date 02/09/2022. (Admin.) (Entered: 02/10/2022)
02/09/2022		<u>17</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>14</u> Order on Application to Employ). No. of Notices: 1. Notice Date 02/09/2022. (Admin.) (Entered: 02/10/2022)
02/10/2022		<u>18</u>	Notice of Hearing on <i>Motion to Convert Case to Chapter 13</i> Filed by Debtor Katherine R. Brady (RE: related document(s) <u>15</u> Motion to Convert Case to Chapter 13 filed by Debtor Katherine R. Brady) Hearing scheduled for 3/9/2022 at 09:00 AM at Courtroom A. (Attachments: # <u>1</u> List/Matrix of Parties Served) (Deming, Leonard) (Entered: 02/10/2022)
02/18/2022		<u>19</u>	Objection to Homestead Exemption Filed by Trustee Edmond J. Ford Hearing scheduled for 3/23/2022 at 09:00 AM at Courtroom A. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Notice of Hearing # <u>3</u> List/Matrix of Parties Served) (McPartlin, Richard) (Entered: 02/18/2022)
02/18/2022		<u>20</u>	Amended Notice of Hearing Filed by Trustee Edmond J. Ford (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford) (Attachments: # <u>1</u> List/Matrix of Parties Served) (McPartlin, Richard) (Entered: 02/18/2022)
02/24/2022		<u>21</u>	Disclosure of Compensation of Attorney for Debtor <i>Supplemental</i> Filed by Debtor's Attorney Deming Law Office (Deming, Leonard) (Entered: 02/24/2022)

			02/24/2022)
03/01/2022		<u>22</u>	Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for March 9, 2022 at 9:00 AM will be telephonic. (RE: related document(s) <u>15</u> Motion to Convert Case to Chapter 13 filed by Debtor Katherine R. Brady). (amw) (Entered: 03/01/2022)
03/03/2022		<u>23</u>	BNC Certificate of Notice – Hearing. (RE: related document(s) <u>22</u> Notice to all Creditors and Parties). No. of Notices: 9. Notice Date 03/03/2022. (Admin.) (Entered: 03/04/2022)
03/08/2022		<u>24</u>	**Stricken Per Order Entered March 8, 2022** Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for March 23, 2022 at 9:00 AM will be telephonic. (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford). (amw) Modified on 3/8/2022 Document Incomplete or Unreadable (amw). (Entered: 03/08/2022)
03/08/2022		25	Order Striking Notice of Telephonic Hearing (Court Doc. No. 24). The document filed is stricken as being incomplete or unreadable. Signed on 3/8/2022 (RE: related document(s) <u>24</u> Notice to all Creditors and Parties) (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 03/08/2022)
03/08/2022		<u>26</u>	Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for March 23, 2022 at 9:00 AM will be telephonic. (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford). (amw) (Entered: 03/08/2022)
03/09/2022		<u>27</u>	Order On Motion to Convert Case to Chapter 13 (Related Doc # <u>15</u>) Signed on 3/9/2022. Government Proof of Claim due by 9/6/2022. (So ordered by Judge Bruce A. Harwood) (pptak) (Entered: 03/09/2022)
03/09/2022			Plan Deadline Updated (RE: related document(s) <u>27</u> Order on Motion to Convert Case To Chapter 13). Chapter 13 Plan due by 3/23/2022. (pptak) (Entered: 03/09/2022)
03/09/2022		<u>28</u>	Amended Meeting of Creditors & Notice of Appointment of Trustee. 341(a) meeting to be held on 4/18/2022 at 09:30 AM at Telephonic Meeting of Creditors. Last day to oppose discharge or dischargeability is 6/17/2022. Proofs of Claims due by 5/18/2022. Confirmation hearing to be held on 5/13/2022 at 09:00 AM at Courtroom A. Last day to Object to Confirmation 4/29/2022.Conversion. (pptak) (Entered: 03/09/2022)
03/09/2022		<u>29</u>	Notice Upon Conversion From Chapter 7 to Chapter 13. Chapter 13 Plan due by 3/23/2022. (pptak) (Entered: 03/09/2022)
03/10/2022		<u>30</u>	Application for Administrative Expenses in the amount of \$2560.52. Filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A. Hearing scheduled for 4/20/2022 at 09:00 AM at Courtroom A. (Attachments: # <u>1</u> Fee Annex – Final Request # <u>2</u> Exhibit – Detail of time & expenses # <u>3</u> Notice of Hearing # <u>4</u> Proposed Order) (McPartlin, Richard) (Entered: 03/10/2022)
03/10/2022		<u>31</u>	BNC Certificate of Notice – Hearing. (RE: related document(s) <u>26</u> Notice to all Creditors and Parties). No. of Notices: 9. Notice Date 03/10/2022. (Admin.) (Entered: 03/11/2022)
03/11/2022		<u>32</u>	

			BNC Certificate of Notice. (RE: related document(s) <u>29</u> Notice Upon Conversion). No. of Notices: 9. Notice Date 03/11/2022. (Admin.) (Entered: 03/12/2022)
03/11/2022		<u>33</u>	BNC Certificate of Notice – Meeting of Creditors. (RE: related document(s) <u>28</u> Meeting of Creditors – Chapter 13). No. of Notices: 10. Notice Date 03/11/2022. (Admin.) (Entered: 03/12/2022)
03/11/2022		<u>34</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>27</u> Order on Motion to Convert Case To Chapter 13). No. of Notices: 1. Notice Date 03/11/2022. (Admin.) (Entered: 03/12/2022)
03/16/2022		<u>35</u>	Objection to Trustee's Objection to Debtor's Homestead Exemption Filed by Debtor Katherine R. Brady (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford) (Attachments: # <u>1</u> Exhibit Memorandum of Law in Support of Debtor's Objection to Trustee's Objection) (Deming, Leonard) (Entered: 03/16/2022)
03/18/2022		<u>36</u>	Hearing Set On Objection to Homestead Exemption (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford). Hearing scheduled for 3/23/2022 at 09:00 AM at Courtroom A. (amw) (Entered: 03/18/2022)
03/21/2022		<u>37</u>	Chapter 7 Trustee's Report Upon Conversion of Case Filed by Trustee Edmond J. Ford (Ford, Edmond) (Entered: 03/21/2022)
03/22/2022		<u>38</u>	Ex Parte Motion to Extend Time to File Chapter 13 Plan to April 11, 2022 and Other Documents as Required Filed by Debtor Katherine R. Brady (RE: related document(s) <u>29</u> Notice Upon Conversion) (Attachments: # <u>1</u> Proposed Order) (Deming, Leonard) (Entered: 03/22/2022)
03/23/2022		<u>39</u>	Order Granting Motion to Extend Time to File Chapter 13 Plan (related document(s): <u>29</u> Notice Upon Conversion, <u>38</u> Motion to Extend Time (BK) filed by Debtor Katherine R. Brady) Deadline extended to 4/11/2022. Signed on 3/23/2022. Chapter 13 Plan due by 4/11/2022. (So ordered by Judge Bruce A. Harwood) (amw) (Entered: 03/23/2022)
03/23/2022		<u>40</u>	Order to Continue/Schedule Hearing. See order for specific details. Signed on 3/23/2022 (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford) Hearing scheduled for 5/20/2022 at 09:00 AM at Courtroom A. (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 03/23/2022)
03/25/2022		<u>41</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>40</u> Order to Continue/Schedule Hearing). No. of Notices: 7. Notice Date 03/25/2022. (Admin.) (Entered: 03/26/2022)
03/25/2022		<u>42</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>39</u> Order on Motion to Extend Time (BK)). No. of Notices: 1. Notice Date 03/25/2022. (Admin.) (Entered: 03/26/2022)
04/01/2022		<u>43</u>	Response Filed by Trustee Lawrence P. Sumski (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>40</u> Order to Continue/Schedule Hearing) (Sumski3, Lawrence) (Entered: 04/01/2022)
04/01/2022		<u>44</u>	Response/Statement of Facts Filed by Trustee Lawrence P. Sumski (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by

			Trustee Edmond J. Ford, <u>40</u> Order to Continue/Schedule Hearing) (Sumski3, Lawrence) Modified on 4/4/2022 to correct docket text (amw). (Entered: 04/01/2022)
04/01/2022		<u>45</u>	Notice of Amendment to Schedule D, Summary of Assets and Liabilities, Fee Amount \$ 32 Filed by Debtor Katherine R. Brady (Attachments: # <u>1</u> Main Document Notice of Amendment to Schedule D # <u>2</u> List/Matrix of Parties Served # <u>3</u> Exhibit Amended Schedule D # <u>4</u> Exhibit Amended Summary of Schedules # <u>5</u> Exhibit Notice to Added Creditors # <u>6</u> Certificate of Service # <u>7</u> Exhibit Notice of Bankruptcy Doc #28) (Deming, Leonard) (Entered: 04/01/2022)
04/01/2022		46	Receipt of Notice of Amendment to Petition/Schedules/Statements/List(<u>21-10712-BAH</u>) [misc,amdschd] (32.00) filing fee. Receipt number A3989279, Fee amount \$ 32.00. (re: Doc# <u>45</u>). (U.S. Treasury) (Entered: 04/01/2022)
04/05/2022		<u>47</u>	Objection to Debtor's Amended Schedule D Filed by Trustee Lawrence P. Sumski (RE: related document(s) <u>45</u> Notice of Amendment to Petition/Schedules/Statements/List filed by Debtor Katherine R. Brady) (Attachments: # <u>1</u> Certificate of Service # <u>2</u> Notice of Hearing # <u>3</u> Proposed Order # <u>4</u> List/Matrix of Parties Served) (Sumski, Lawrence) (Entered: 04/05/2022)
04/05/2022		48	Hearing Set On Objection to Debtor's Amended Schedule D (RE: related document(s) <u>47</u> Objection filed by Trustee Lawrence P. Sumski). Hearing scheduled for 5/20/2022 at 09:00 AM at Courtroom A. (amw) (Entered: 04/05/2022)
04/05/2022		<u>49</u>	Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for April 20, 2022 at 9:00 AM will be telephonic. (RE: related document(s) <u>30</u> Application for Administrative Expenses filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A.). (amw) (Entered: 04/05/2022)
04/07/2022		50	Chapter 7 Trustee's Report of No Distribution: I, Edmond J. Ford, having been appointed trustee of the estate of the above-named debtor(s), report that this case was dismissed or converted. I have neither received any property nor paid any monies on account of this estate. I hereby certify that the chapter 7 estate of the above-named debtor(s) has been fully administered through the date of conversion or dismissal. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned(without deducting any secured claims): Not Applicable, Assets Exempt: Not Applicable, Claims Scheduled: Not Applicable, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment(without deducting the value of collateral or debts excepted from discharge): Not Applicable. Filed by Trustee Edmond J. Ford (Ford, Edmond) (Entered: 04/07/2022)
04/07/2022		<u>51</u>	BNC Certificate of Notice – Hearing. (RE: related document(s) <u>49</u> Notice to all Creditors and Parties). No. of Notices: 8. Notice Date 04/07/2022. (Admin.) (Entered: 04/08/2022)
04/10/2022		<u>52</u>	Chapter 13 Plan Dated April 5, 2022 Filed by Debtor Katherine R. Brady (RE: related document(s) <u>39</u> Order on Motion to Extend Time (BK)) Confirmation hearing to be held on 7/8/2022 at 09:00 AM at Courtroom A. Last day to Object to Confirmation 6/24/2022. (Attachments: # <u>1</u>

			Notice of Hearing # <u>2</u> List/Matrix of Parties Served)(Deming, Leonard) (Entered: 04/10/2022)
04/11/2022		<u>53</u>	Notice of telephonic section 341 meeting of creditors call-in information. The meeting scheduled for April 18, 2022 at 9:30 a.m. will be telephonic. Dial into the meeting by calling 877-718-7132. When prompted enter the participant code 1407074 followed by #. Attendees are instructed to call in at the listed time and not before and to disconnect the call after the meeting is concluded. Instructions for the debtor are attached. (Sumski, Lawrence) (Entered: 04/11/2022)
04/18/2022		<u>54</u>	Notice of Amendment to Schedule I, J, Form 122 Statement of Monthly Income, Summary of Assets and Liabilities, Filed by Debtor Katherine R. Brady (Attachments: # <u>1</u> Main Document Notice of Amendment to Schedules # <u>2</u> Exhibit Amended Schedule I and Form 122C # <u>3</u> Exhibit Amended Summary of Schedules) (Deming, Leonard) (Entered: 04/18/2022)
04/19/2022		<u>55</u>	Trustee's Findings from Meeting of Creditors . (Sumski, Lawrence) (Entered: 04/19/2022)
04/19/2022		<u>56</u>	Brief of <i>Chapter 13 Trustee</i> Filed by Trustee Lawrence P. Sumski (RE: related document(s) <u>40</u> Order to Continue/Schedule Hearing, <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford.) (Sumski3, Lawrence). Modified on 4/19/2022 to add link to Doc. No. 19 (amw). (Entered: 04/19/2022)
04/19/2022		<u>57</u>	341 Meeting of Creditors Held and Concluded. Debtor(s) sworn. <i>Debtor appeared.</i> (Sumski, Lawrence) (Entered: 04/19/2022)
04/20/2022		<u>58</u>	Order Granting Application For Administrative Expenses (Related Doc # <u>30</u>) Signed on 4/20/2022. (So ordered by Judge Bruce A. Harwood) (amw) (Entered: 04/20/2022)
04/22/2022		<u>59</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>58</u> Order on Application for Administrative Expenses). No. of Notices: 1. Notice Date 04/22/2022. (Admin.) (Entered: 04/23/2022)
05/02/2022		<u>60</u>	Memorandum of Law on <i>Trustee's Objection to Debtor's Amendment of Schedule D and Reply Memorandum on Trustee's Objection to Spousal Homestead Exemption</i> Filed by Debtor Katherine R. Brady (RE: related document(s) <u>8</u> Notice of Amendment to Petition/Schedules/Statements/List filed by Debtor Katherine R. Brady, <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>35</u> Objection filed by Debtor Katherine R. Brady, <u>45</u> Notice of Amendment to Petition/Schedules/Statements/List filed by Debtor Katherine R. Brady, <u>47</u> Objection filed by Trustee Lawrence P. Sumski, <u>48</u> Hearing Scheduled (BK)) (Deming, Leonard) (Entered: 05/02/2022)
05/03/2022		<u>61</u>	Notice of Appearance and Request for Notice <i>with Certificate of Service</i> by Richard T. Mulligan Filed by Creditor U.S. Bank National Association (Mulligan, Richard) (Entered: 05/03/2022)
05/04/2022		<u>62</u>	Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for May 20, 2022 at 9:00 AM will be telephonic. (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>47</u> Objection filed by Trustee Lawrence P. Sumski). (amw) (Entered: 05/04/2022)

05/06/2022	<u>63</u>	BNC Certificate of Notice – Hearing. (RE: related document(s) <u>62</u> Notice to all Creditors and Parties). No. of Notices: 8. Notice Date 05/06/2022. (Admin.) (Entered: 05/07/2022)
05/20/2022	<u>64</u>	Order Taking Under Advisement Objection to Homestead Exemption, Objection to Debtors Amended Schedule D Signed on 5/20/2022 (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>47</u> Objection filed by Trustee Lawrence P. Sumski) (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 05/20/2022)
05/22/2022	<u>65</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>64</u> Order). No. of Notices: 1. Notice Date 05/22/2022. (Admin.) (Entered: 05/23/2022)
05/25/2022	<u>66</u>	Objection to Confirmation of Plan Filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A. (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady) (Ford, Edmond) (Entered: 05/25/2022)
05/25/2022	<u>67</u>	Notice of Withdrawal of Document. (<i>due to caption error</i>) Filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A. (RE: related document(s) <u>66</u> Objection to Confirmation of the Plan filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A.) (McPartlin, Richard) (Entered: 05/25/2022)
05/25/2022	<u>68</u>	Objection to Confirmation of Plan Filed by Trustee Attorney Ford, McDonald, McPartlin & Borden, P.A. (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady) (McPartlin, Richard) (Entered: 05/25/2022)
05/31/2022	<u>69</u>	Motion to Convert Chapter 13 Case to Chapter 7 Receipt Number NFR–Waiver,. Fee Amount \$ 25. Filed by Trustee Lawrence P. Sumski Hearing scheduled for 7/8/2022 at 09:00 AM at Courtroom A. (Attachments: # <u>1</u> Certificate of Service # <u>2</u> Notice of Hearing # <u>3</u> List/Matrix of Parties Served # <u>4</u> Proposed Order # <u>5</u> Fee Waiver) (Sumski5, Lawrence) (Entered: 05/31/2022)
06/03/2022	<u>70</u>	Memorandum Opinion issued by Chief Judge Bruce A. Harwood Sustaining Objection to Homestead Exemption, Objection to Debtor's Amended Schedule D. Signed on 6/3/2022 (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>47</u> Objection filed by Trustee Lawrence P. Sumski) (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 06/03/2022)
06/03/2022	<u>71</u>	Order Sustaining Objection to Homestead Exemption, Objection to Debtor's Amended Schedule D Signed on 6/3/2022 (RE: related document(s) <u>19</u> Objection to Homestead Exemption filed by Trustee Edmond J. Ford, <u>47</u> Objection filed by Trustee Lawrence P. Sumski) (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 06/03/2022)
06/05/2022	<u>72</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>70</u> Memorandum Opinion). No. of Notices: 1. Notice Date 06/05/2022. (Admin.) (Entered: 06/06/2022)
06/05/2022	<u>73</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>71</u> Order). No. of Notices: 1. Notice Date 06/05/2022. (Admin.) (Entered: 06/06/2022)

06/17/2022		<u>74</u>	Motion to Reconsider <i>to Alter or Amend Judgment and/or Grant Relief From Order</i> Filed by Debtor Katherine R. Brady (RE: related document(s) <u>70</u> Memorandum Opinion, <u>71</u> Order) Hearing scheduled for 8/3/2022 at 11:00 AM at Courtroom A. (Attachments: # <u>1</u> Exhibit Memorandum of Law # <u>2</u> Exhibit Exhibit A to Memo–Roy RCSC Decision # <u>3</u> Exhibit Exhibit B to Memo–RSA 480:3 # <u>4</u> Exhibit Exhibit C to Memo–Legislative History # <u>5</u> Exhibit Exhibit D to Memo–Plain Language HB 63–FN # <u>6</u> Exhibit Exhibit E to Memo–Senate Journal # <u>7</u> Exhibit Exhibit F to Memo–NH Laws 1983 230:15 # <u>8</u> Notice of Hearing # <u>9</u> Proposed Order) (Deming, Leonard) (Entered: 06/17/2022)
06/21/2022		<u>75</u>	Response Filed by Trustee Lawrence P. Sumski (RE: related document(s) <u>74</u> Motion to Reconsider filed by Debtor Katherine R. Brady) (Sumski3, Lawrence) (Entered: 06/21/2022)
06/22/2022		<u>76</u>	Pursuant to the Courts Fifteenth General Order dated February 22, 2022, the hearing scheduled for July 8, 2022 at 9:00 a.m. will be telephonic. (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady, <u>69</u> Motion to Convert Chapter 13 Case to Chapter 7 filed by Trustee Lawrence P. Sumski). (pptak) (Entered: 06/22/2022)
06/24/2022		<u>77</u>	BNC Certificate of Notice – Hearing. (RE: related document(s) <u>76</u> Notice to all Creditors and Parties). No. of Notices: 8. Notice Date 06/24/2022. (Admin.) (Entered: 06/25/2022)
06/30/2022		<u>78</u>	Objection <i>to Motion to Convert Case to Chapter 7</i> Filed by Debtor Katherine R. Brady (RE: related document(s) <u>69</u> Motion to Convert Chapter 13 Case to Chapter 7 filed by Trustee Lawrence P. Sumski) (Deming, Leonard) (Entered: 06/30/2022)
07/01/2022		<u>79</u>	Ex Parte Application to Employ Debora Cote of Keller Williams Coastal And Lakes & Mountains Realty as Real Estate Broker Filed by Debtor Katherine R. Brady Hearing scheduled for 8/3/2022 at 11:00 AM at Courtroom A. (Attachments: # <u>1</u> Exhibit Rule 2014 Declaration of Debora Cote # <u>2</u> Exhibit Listing Agreement # <u>3</u> Notice of Hearing # <u>4</u> List/Matrix of Parties Served # <u>5</u> Proposed Order) (Deming, Leonard) (Entered: 07/01/2022)
07/06/2022		<u>80</u>	Amended Application to Employ Debora Cote of Keller Williams Coastal And Lakes & Mountains Realty as Real Estate Broker Filed by Debtor Katherine R. Brady Hearing scheduled for 8/3/2022 at 11:00 AM at Courtroom A. (Attachments: # <u>1</u> Exhibit Listing Agreement # <u>2</u> Exhibit Rule 2014 Declaration # <u>3</u> Notice of Hearing # <u>4</u> List/Matrix of Parties Served # <u>5</u> Proposed Order) (Deming, Leonard) (Entered: 07/06/2022)
07/07/2022		<u>81</u>	Order Denying Motion To Reconsider (Related Doc # <u>74</u>) Signed on 7/7/2022. (So ordered by Judge Bruce A. Harwood) (amw) (Entered: 07/07/2022)
07/08/2022		<u>82</u>	Order to Continue/Schedule Hearing Signed on 7/8/2022 (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady, <u>69</u> Motion to Convert Chapter 13 Case to Chapter 7 filed by Trustee Lawrence P. Sumski) Hearing scheduled for 9/16/2022 at 09:00 AM at Courtroom A. (So ordered by Judge Bruce A. Harwood)(amw) (Entered: 07/08/2022)
07/08/2022		83	Confirmation Hearing Set (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady). Confirmation hearing to be held on 9/16/2022 at 09:00 AM at Courtroom A. (amw) (Entered: 07/08/2022)

07/09/2022		<u>84</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>81</u> Order on Motion To Reconsider). No. of Notices: 8. Notice Date 07/09/2022. (Admin.) (Entered: 07/10/2022)
07/10/2022		<u>85</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>82</u> Order to Continue/Schedule Hearing). No. of Notices: 6. Notice Date 07/10/2022. (Admin.) (Entered: 07/11/2022)
07/11/2022		<u>86</u>	Ex Parte Motion to Expedite Hearing <i>on Application to Hire Professional Person</i> Filed by Debtor Katherine R. Brady (RE: related document(s) <u>80</u> Application to Employ filed by Debtor Katherine R. Brady) (Attachments: # <u>1</u> Affidavit Affidavit of Katherine Brady # <u>2</u> Proposed Order) (Deming, Leonard) (Entered: 07/11/2022)
07/12/2022		<u>87</u>	Order Granting Application to Employ Keller Williams Coastal and Lakes & Mountains Realty (Related Doc # <u>80</u>), Denying Motion to Expedite Hearing as Moot (related document(s): <u>86</u> Motion to Expedite Hearing (BK) filed by Debtor Katherine R. Brady) Signed on 7/12/2022. (So ordered by Judge Bruce A. Harwood) (jel) (Entered: 07/12/2022)
07/12/2022		<u>88</u>	First Amended Chapter 13 Plan dated July 12, 2022 Filed by Debtor Katherine R. Brady (RE: related document(s) <u>52</u> Chapter 13 Plan filed by Debtor Katherine R. Brady) Confirmation hearing to be held on 9/16/2022 at 09:00 AM at Courtroom A. Last day to Object to Confirmation 9/2/2022. (Attachments: # <u>1</u> Notice of Hearing # <u>2</u> List/Matrix of Parties Served)(Deming, Leonard) (Entered: 07/12/2022)
07/14/2022		<u>89</u>	BNC Certificate of Notice – PDF Document. (RE: related document(s) <u>87</u> Order on Application to Employ). No. of Notices: 3. Notice Date 07/14/2022. (Admin.) (Entered: 07/15/2022)
07/19/2022		<u>90</u>	Notice of Appeal and Statement of Election to District Court. Fee Amount \$298 Filed by Debtor Katherine R. Brady (RE: related document(s) <u>70</u> Memorandum Opinion, <u>71</u> Order, <u>81</u> Order on Motion To Reconsider) (Deming, Leonard) (Entered: 07/19/2022)
07/19/2022		91	Receipt of Notice of Appeal and Statement of Election(<u>21-10712-BAH</u>) [appeal,ntcaple] (298.00) filing fee. Receipt number A4020975, Fee amount \$ 298.00. (re: Doc# <u>90</u>). (U.S. Treasury) (Entered: 07/19/2022)
07/19/2022		92	Court's Certificate of Mailing of Appeal. Date copies electronically mailed: July 19, 2022 Copies electronically mailed to: atty Leonard G. Deming II, Lawrence Sumski, Trustee, Office of the U.S. Trustee. Date copies mailed by U.S. Mail: July 19, 2022 Copies mailed by U.S. Mail to: Katherine R. Brady (RE: related document(s) <u>90</u> Notice of Appeal and Statement of Election filed by Debtor Katherine R. Brady). (amw) (Entered: 07/19/2022)
07/19/2022		<u>93</u>	Transmittal of Appeal to District Court (RE: related document(s) <u>90</u> Notice of Appeal and Statement of Election filed by Debtor Katherine R. Brady). (amw) (Entered: 07/19/2022)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:

Bk. No. 21-10712-BAH
Chapter 13

Katherine R. Brady,
Debtor

ORDER

On June 3, 2022, the Court issued a memorandum opinion and order (Doc. Nos. 70 and 71) (collectively, the “Order”) where in the Court sustained Chapter 13 Trustee Lawrence P. Sumski’s objection¹ to the Debtor’s claim of a homestead exemption under New Hampshire RSA 480:1 on behalf of her non-debtor, non-owner spouse (Doc. Nos. 1, 19, and 43) and his objection to the Debtor’s amendment to Schedule D (Doc. No. 45 and 47). On June 17, 2022, the Debtor filed “Debtor’s Motion to Alter or Amend Judgment as to Order Sustaining the Trustee’s Objection to Debtor’s Claim of Second Homestead Exemption and/or Debtor Spouse’s Claim of Encumbrance Pursuant to Federal Rule of Bankruptcy Procedure 9023 and/or Relief from Order Pursuant to Federal Rule of Bankruptcy Procedure 9024” (Doc. No. 74) (the “Motion”) to which the Chapter 13 Trustee filed a response (Doc. No. (Doc. No. 65) (the “Response”). Because the Motion was filed within fourteen days of the Order, the Court will consider it as one seeking relief under Federal Rule of Bankruptcy Procedure 9023, which incorporates Federal Rule of Civil Procedure 59(e), and will not consider the Debtor’s alternative request to grant relief pursuant to Federal Rule of Bankruptcy Procedure 9024 and Federal Rule of Civil Procedure 60(b)(6).

¹ Upon the Debtor’s conversion of her case from chapter 7 to chapter 13, the Chapter 13 Trustee adopted the objection to homestead exemption, which was originally filed by the chapter 7 trustee. See Doc. No. 43.

To succeed on a Rule 59(e) motion, a moving party must establish an intervening change in the controlling law, a clear legal error, or newly discovered evidence. Carrero-Ojeda v. Autoridad de Energia Electrica, 755 F.3d 711, 723 (1st Cir. 2014). The Debtor's Motion does none of these things.

The Debtor admits that the salient facts are not in dispute, and she has not made any argument that new evidence has been discovered. The Debtor also does not argue that there has been a change in the controlling law since the Order issued. Rather, the Debtor contends the Court made a clear legal error in denying the Debtor's assertion of a homestead exemption under RSA 480:1 on behalf of her non-debtor, non-owner spouse.²

The Debtor's memorandum filed in support of the Motion basically rehashes the arguments made in the briefs and at the hearing the first time around, with some embellishment and perhaps clarification. The Court sees no reason to reopen the argument, reconsider arguments that were previously made, or consider arguments that could have been raised the first time around but were not. Even if it did, the memorandum includes references to a non-binding state law case and legislative history that do not establish that the Court made a clear legal error. The Debtor herself states that the language in NH RSA 480:1 is "perhaps sloppy," which makes it hard to conclude that the Court made a "clear" error of law.

Further, in the Response, the Chapter 13 Trustee notes that "the additional argument and citations now provided by the debtor [makes] clear that the legislature's very act of adding RSA 480:3-a indicates that the legislature decided to protect the interests of a non-owning spouse of the owner of real estate upon the demise of the owner; the addition of this clarifying statute

² The Debtor does not substantively address the Court's denial of her amendment to Schedule D, which asserted that her non-owner spouse possesses a lien that secures his interest in the couple's residence. Therefore, the Court will not address it either.

indicates its determination that before [RSA] 480:3-a was adopted (in other words when the original homestead act was passed) the legislature believed that such a non-owning spouse had no homestead interest.” The Court agrees with this position.

Because the Debtor has not demonstrated any intervening change in the controlling law, that the Court committed a clear legal error, or the existence of newly discovered evidence, the Court will not alter or amend the Order under Rule 59(e). The Court therefore also declines the Debtor’s invitation to certify the issue of whether a non-owner spouse is entitled to a separate homestead exemption under RSA 480:1.³

Accordingly, the Motion is denied. The hearing set for August 3, 2022, on the Motion is hereby canceled.

ENTERED at Concord, New Hampshire.

Date: July 7, 2022

/s/ Bruce A. Harwood
Bruce A. Harwood
Chief Bankruptcy Judge

³ Should she pursue an appeal, the Debtor is certainly free to make that request of any appellate tribunal.

Official Form 417A (12/18)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

In re)	
Katherine R. Brady,)	Bk. No. 21-10712-BAH
)	Chapter 7
Debtor)	

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Katherine R. Brady

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☒ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Denying Reconsideration Pursuant to FRBP Rules 9023 and 9024 of June 3, 2022 Order Sustaining Trustee's Objection to Debtor's Claim of Exemption for Spouse and assertion of encumbrance on Debtor's Homestead.

2. State the date on which the judgment, order, or decree was entered: July 7, 2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Lawrence Sumski, Trustee Attorney: Lawrence P. Sumski, Esquire
Chapter 13 Trustee
P.O. Box 329
Manchester NH 03105
Phone: (603) 629-8899

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ Leonard G. Deming II

Date: July 19, 2022

Leonard G. Deming, II, BNH01186
Deming Law Office
491 Amherst Street, Suite 22
Nashua NH 03063
Ph. (603) 882-2189
Deminglaw@comcast.net

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[**Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

CERTIFICATE OF SERVICE

I hereby certify under the pains and penalties of perjury that I have served a copy of the foregoing Notice of Appeal and Election to Have Appeal Heard by the District Court upon the following persons at the addresses indicated by electronic filing or First Class Mail, Postage prepaid, this 19th day of July, 2022:

Katherine R. Brady
Via email

Lawrence P. Sumski
SumskiCh13@gmail.com

Richard K. McPartlin, Esquire
rmcpartlin@fordlaw.com

Office of the U.S. Trustee
USTPRegion01.MR.ECF@usdoj.gov

Edmond J. Ford, Esquire
eford@fordlaw.com

Richard T. Mulligan, Esquire
BKECF@bmpe-law.com, bendett@myecfx.com

/s/ *Leonard G. Deming*
Leonard G. Deming

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

APPEAL TRANSMITTAL FORM

TO: Clerk, United States District Court
55 Pleasant Street, Room 110
Concord, NH 03101

Case Name: Katherine R. Brady
Case No.: 22-10712-BAH
Bankruptcy Case Filed: December 17, 2021
Bankruptcy Judge: Chief Judge Bruce A. Harwood
Entry Date of Appealed Order: July 7, 2022
Notice of Appeal Filed: July 19, 2022
Notice of Appeal Mailed to Parties in Interest: July 19, 2022

Appellant: Katherine R. Brady, by U.S. Mail

Leonard G. Deming II, electronically

Appellee: Lawrence Sumski, Trustee, electronically

US Trustee: electronically

TRANSMITTED HERewith ARE THE FOLLOWING DOCUMENTS:

- ☒ Notice of Appeal
- ☒ Order Appealed
- ☐ Motion for Leave to Appeal
- ☐ Opposition to Motion for Leave to Appeal
- ☐ Appeal Deficiency Notice to Appellant
- ☒ Copy of Court Docket: BK Case
- ☐ Motion(s) filed under BR 8002(b)
- ☐ Other: _____
- ☐ Fee has been paid in full

For the Court
Bonnie L. McAlary, Clerk

Date: July 19, 2022

By: /s/ A. Wade
Deputy Clerk